

This version of the code is dated April 6, 2022 and reflects the Planning Commission recommendation with some additional edits. Changes recommended by the Planning Commission have been incorporated into this version. Additional edits made since the Planning Commission's recommendation are shown in track changes. Areas of the code that are highlighted in grey indicated sections that are clearly not applicable outside the city limits, inside the Urban Growth Boundary (UGB).

4.4.100 Landscaping, Screening, and Fence Standards

Subsections:

4.4.105 Landscaping

4.4.110 Screening

4.4.115 Fences

4.4.105 Landscaping

- (A)** These regulations ensure that new development complies with the landscaping provisions of this Code and any applicable Refinement Plans, Plan Districts, Master Plans, and Conceptual Development Plans; is adequately screened from less intensive development; considers the effects of vegetation on public facilities; retains significant clusters of natural trees and shrubs wherever possible; minimizes run-off; facilitates energy conservation and crime prevention; and improves the appearance of the City to create a desirable place to live and work.
- (B)** Three types of landscaping may be required:
- (1)** Landscaping standards for private property as specified in this Section and other Sections of this Code.
 - (2)** Street trees in the public right-of-way as specified in SDC 4.2.140.
 - (3)** Curbside planter strips in the public right-of-way as specified in SDC 4.2.135.
- (C)** Materials and installation costs of required planting and irrigation, other than what is required by the Minimum Development Standards, SDC 5.15.100, must not exceed ten percent of the value of the new development, including the cost of parking facilities.
- (D)** The following areas of a lot/parcel must be landscaped, unless otherwise specified in this Code:
- (1)** All required setback areas and any additional planting areas as specified in the appropriate zoning district.
 - (2)** Parking lot planting areas required in this Section.
- (E)** At least 65 percent of each required planting area must be covered with living plant materials within five years of the date of installation. The living plant materials must be

distributed throughout the required planting area. The planting acceptable per 1,000 square feet of required planting area is as follows:

- (1) A minimum of two trees, not less than six feet in height, that are at least a two inch (dbh) caliper (at the time of planting, not including root ball); and
- (2) Ten shrubs, five gallons or larger.
- (3) Lawn and/or groundcover may be substituted for up to 25% of the living plant material requirement , unless trees or shrubbery are required for screening. This substitution is only allowed when the applicant has demonstrated that there is provisions for ongoing maintenance of the landscape areas.

These standards do not apply to single unit detached dwellings and middle housing in the R-1 District.

- (F) Parking lot planting areas must include one canopy tree at least two inches (dbh) in caliper that meets City street tree standards as may be permitted by the *Engineering Design Standards and Procedures Manual* and at least four shrubs, five gallon or larger, for each 100 square feet of planting area. Shrubs that abut public right-of-way or that is placed in the interior of any parking lot must not exceed two and a half feet in height at maturity. Parking lot planting areas must include:

- (1) Parking and driveway setback areas specified in the applicable land use district; and
- (2) Five percent of the interior of a parking lot, exclusive of any required parking setbacks, if 24 or more parking spaces are located between the street side of a building and an arterial or collector street and are visible from any street.
- (3) See also SDC 4.7.380 or 4.7.385 for multiple unit housing design standards.

- (G) All new required planting areas must be provided with a permanent irrigation system which can include a drip irrigation system. Areas planted with noninvasive drought tolerant species or plant communities are exempt from this standard.
- (H) Landscaped setbacks abutting required screening on the same property are exempted from planting requirements if the area is not visible from any public right-of-way or adjacent property.
- (I) Planting Installation Standards

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- (1) Existing landscaping to be retained must be provided with protection which will remain through the construction process. The plants to be saved and the method of protection must be noted on the Landscape Plan.
- (2) Existing trees to be retained on private property must not have construction occur within the drip line, unless a landscape architect certifies that affected trees will not have at least a 90 percent chance of survival over a five-year period. Trees to be retained must be provided with protection with at least a three-foot-tall temporary fence barrier around the drip line and include protection around the tree to prevent abrasion to the tree. The trees to be retained and the method of protection must be included on the Landscape Plan.
- (3) The Landscape Plan must include specifications for topsoil, including depth and organic matter requirements, to ensure the health and vitality of required planting. Where planting areas have been excavated the replacement of topsoil must be provided for and indicated on the Landscape Plan. All waste material must be removed from required planting areas prior to the application of topsoil.
 - (a) Inspection may be made by the Director prior to planting to verify proper rough grade and installation of irrigation systems.
 - (b) Plant materials and soil preparation may be inspected prior to or in conjunction with the occupancy inspection to ensure that placement, quantity, size, and variety conform to the approved Planting Plan and the requirements of this Section. Nursery tags identifying variety and species must remain on plant specimens until the Final Building Inspection by the Building Official or the issuance of a Certificate of Occupancy.

4.4.110 Screening

- (A) Unless otherwise specified in this Code, screening is required:
- (1) Where commercial and industrial districts abut residential districts and no approved screening exists;
 - (2) For outdoor mechanical devices and minor and major public facilities;
 - (3) For outdoor storage yards and areas in non-residential districts abutting residential districts along their common property line;
 - (4) For garbage and recycling receptacles and areas;

- (5) For automobile wrecking and salvage yards; and
- (6) For multiple-unit housing.
- (B) Screening must be vegetative, earthen, and/or structural. Unless specified elsewhere in this Subsection, screening must be continuous to at least six feet above ground level. The following standards apply:

- (1) **Vegetative Screening.** Evergreen shrubs must be planted to form a continuous hedge. When immediate screening is necessary, a sight-obscuring fence must be installed in place of, or in conjunction with the shrubs. The six-foot height standard specified in Subsection (B), above must occur within four years of planting.

For multiple unit housing , the vegetative screening standards specified in Section 4.7.380(4) or 4.7.385(D) apply.

- (2) **Earthen Screening.** Earthen berms may be used to screen either visual or noise impacts. A berm must be combined with evergreen plantings or a fence to form an attractive sight and noise buffer. The maximum height of a berm is six feet along local streets and eight feet along collector and arterial streets or railroad rights-of-way. Alternatively, a different height is allowed if a licensed acoustical engineer determines a lower or higher height must be utilized. Height is measured from the base of the berm to the top of the berm and does not include additional fences or landscaping. The exterior face of the berm must be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope or retained by a structure (wall or terrace) that meets the building code. The maximum slope is 1:3. The crest area must be a minimum of four feet wide. The slopes must be protected by trees, shrubs, and groundcover to prevent erosion. Berms must be irrigated as specified in Section 4.4.105. No part of a berm is allowed to encroach into an easement. The toe of a berm over three feet in height must be set back at least five feet from any property line, unless when abutting public right-of-way where the setback of the toe of the berm may be at a zero setback from the property line. Berms must not interfere with the drainage patterns of the property.

- (3) **Structural Screening.** A fence or masonry wall must be constructed to provide a 100 percent sight-obscuring screen.

- (a) No screen is allowed to exceed four feet in a residential district front yard setback, and all screening must comply with vision clearance requirements of SDC 4.2.130.

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- (b) Wherever a required screen in the form of a fence is adjacent to a residential or commercial district or an arterial or collector street, it must be made from a non-metallic material.

Any garbage and recycling receptacles or garbage and recycling area which would otherwise be visible from a public street, customer or resident parking area, any public facility, adjacent property, or any residential district, must be screened from view as specified in Subsections (1) and (3), above. All garbage and recycling receptacles or materials must be contained within the screened area.

- (c) When abutting a street, outdoor storage areas and storage yards must be screened with a five-foot planting strip between the storage and street as specified in SDC 4.4.100.

4.4.115 Fences

(A) General

Fences must not exceed the height standards in Table 4.4.1 and must be located as provided in this SDC 4.4.115. In mixed use districts or any land use district not specified in Table 4.4.1, the applicable fence standards in Table 4.4.1 must be determined based on the primary use in the development area, unless another standard is specified elsewhere in this code.

- (1) Fence height is measured from the average height of the grade adjacent to where the fence is to be located. If a fence is to be constructed on top of a berm, the height is measured from the top of the berm.
- (2) Fences must be permitted as specified in the screening standards in SDC 4.4.110. Where permitted in the commercial, industrial, mixed use employment and the PLO Districts, outdoor storage of materials must be screened by a 100 percent sight obscuring fence when abutting residential districts along common property lines. Partial screening along rights-of-way and non-residential districts may be permitted when necessary for security reasons.

(B) Review procedure.

- (1) A construction permit is required for fences over six feet in height, in addition to any other permits or approvals required by this code.

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- (2) Fences within the Willamette Greenway Setback area are reviewed under Discretionary Use procedure for fences as specified in SDC 5.9.120 and as required in SDC 3.3.225.
- (3) Type 3 review is required for fences that exceed the base height standards where required under SDC 4.4.115(C) below.

Table 4.4.1

	Base Height by Land Use District				
Yard Type	Residential	Commercial	Industrial	PLO	MS
Front Yard(1)	6'(2)	6'	6'/ 8'(3)	6'	6'
Street Side Yard(4)	6'	6'	6'/ 8'(3)	6'	6'
Rear Yard	6'	6'	6'/8'(3)	6'	6'
Height Exceptions	8'/ 10'(5)	8'	8'(6)	8'	N/A
Vision Clearance Area(7)	2 ½'	2 ½'	2 ½'	2 ½'	2 ½'
Barbed/Razor Wire/Electric	Y(8)	Y(8)	Y(8)	Y/N(8)	N

Note: The numbers in the table above in parentheses refer to the numbered sections below under (C).

(C) Fence Standards

- (1) The fence must be located behind the front yard setback in all districts unless allowed in (2).
- (2) Fences may be allowed within the front yard setback as follows:
 - (a) Four foot high unslatted chain link—this standard does not apply to multiple unit housing developments.
 - (b) Three foot high sight obscuring fence.
- (3) In the Campus Industrial District the base height standard is six feet. In all other industrial districts, the base height standard is eight feet.
- (4) In the residential districts, a fence may be located along the property line. In all other districts, the fence must be located behind the street yard setback.
- (5) Situations where the base fence height may be exceeded:

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- (a) Eight feet in residential, commercial, and the PLO districts for public utility facilities, school yards, and playgrounds, provided that the fence is located behind the front yard and street side yard landscaped area and outside of the vision clearance area. Residential districts abutting these facilities, railroad tracks or residential property side and rear yards abutting streets with four or more travel lanes, may have fences of eight feet tall along common property lines and right-of-way.
 - (b) Ten feet for residential properties abutting commercial or industrial districts along common property lines, and around permitted storage areas in residential districts. Yards of a single unit dwelling do not constitute permitted storage areas.
 - (c) In residential districts, any fence located within a required setback, and which exceeds the allowable fence height for that setback by more than 20 percent, must be reviewed through a Type 3 procedure.
- (6) Special standards in the Campus Industrial District:
 - (a) No fencing must be permitted within 35 feet of a CI District perimeter or 20 feet of any development area perimeter or within interior lots/parcels of development areas. A three feet maximum height decorative fence or masonry wall may be permitted as screening devices around parking lots.
 - (b) Chain link fences must be permitted only when combined with plantings of evergreen shrubs or climbing vines that will completely cover the fence(s) within five years of installation (as certified by a landscape architect or licensed nursery operator).
 - (c) Painted fences must match the building color scheme of the development area.
- (7) No fence is allowed to exceed the two-and-a-half-foot height limitation within the vision clearance area as specified in SDC 4.2.130.
- (8) Barbed wire, razor wire, or electrified fencing is permitted atop a six-foot chain link fence. The total height of the fence and barbed wire must not exceed eight feet. These materials must not extend into the vertical plane of adjoining public sidewalks. Barbed wire or razor wire only fences are prohibited. Electrified fencing must be posted with warning signs every 24 feet.
 - (a) In the PLO District in the Downtown Exception Area and in the MUC, MUE, and MUR Districts, no barbed wire, razor wire, or electrified fences are permitted.

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- (b)** In the residential districts, barbwire and electrified fencing on lots/parcels less than 20,000 square feet, and razor wire on any lot/parcel, regardless of size, must be reviewed through at Type 3 procedure as specified in Section 5.9.100, using the criteria specified in Subsection (D), below.

(D) Where a Type 3 approval is required for fences, the following criteria of approval apply:

- (1)** The applicant has demonstrated a security problem exists at the site. The demonstration must include police reports, insurance claims paid, or affidavits from neighbors or tenants of the property corroborating the security problem;
- (2)** Demonstration that the placement of the fence will not present a hazard or risk to the general public or neighboring properties;
- (3)** Demonstration that the applicant has exhausted all other practical remedies to the demonstrated security problem; for example, sight obscuring screening, "unfriendly landscaping," lighting or alarms which might deter trespass on the subject property; or
- (4)** Demonstration that the property is subject to noise found to exceed acceptable noise levels prescribed in the Oregon Administrative Rule or the Federal Highway Administration Noise Abatement Criteria, as certified by an acoustical engineer;
- (5)** The Planning Commission, based on the evidence presented, must approve, modify, or deny the request. The Planning Commission may further condition the request including, but not limited to imposition of the following conditions; establishing the extent of the site eligible for the fencing, establishing minimum and maximum height requirements, setbacks from all property lines, and requiring specific fencing materials.